IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.299 OF 2005
IN
WRIT PETITI0N NO.1322 OF 1997

M/s.Prakash Industries Ltd. & Anr. .. Petitioners
V/s
The Chairman, BPT & Ors. .. Respondents.

Mr.R.L.Tolat i/by M/s.L.C.Tolat for the Petitioners.
Mr.A.D.Fegde i/by M/s.Mulla & Mulla for the Respondents.

CORAM: S.RADHAKRISHNAN &
A.S.AGUIAR, JJ.

DATE : 22.06.2005.

P.C.:

1. Heard the learned Counsel for the parties. By this Notice of Motion the Petitioners are seeking to recall the order dated 16.6.2005 whereby the Petition was dismissed in default. Perused the affidavit in support of the Notice of Motion. For the reasons stated therein, sufficient cause is made out for recalling of the order of dismissal of the Writ Petition. There is no case of inaction, negligence of want of bonafide on the part of the Petitioner. Hence, Notice of Motion is made absolute in terms of prayer clause (a). Place the Writ Petition on board for final hearing on 13.7.2005.

(S.RADHAKRISHNAN J.)

(A.S.AGUIAR,J.)